

**Notice of Allowability**

Application No.

09/933,244

Examiner

Mark Fadok

Applicant(s)

HUBER, PAUL

Art Unit

3625

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/27/2005.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Notice of Allowance***

The examiner is in receipt of applicant's response to office action mailed 4/29/2005, which was received 7/27/2005. Acknowledgement is made to the no amendments were made leaving claims 1-18 as pending in the instant application. The applicant's remarks have been carefully considered and after a telephone interview on 10/6/2005, applicant's representative, Mr. Fuller, agreed to amendments which follow in the examiners amendment that place the application in condition for allowance.

### ***Drawings***

The drawing filed 7/27/2005 have been found to be acceptable.

### **Rejoinder of Dependent Claims**

Claim 1 is directed to an allowable process. Pursuant to the procedures set forth in the Official Gazette notice dated March 26, 1996 (1184 O.G. 86), claims 7-16, directed to the process of making or using the patentable product, previously withdrawn from consideration as a result of a restriction requirement, are now subject to being rejoined. Claims 7-16 are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Since all claims previously withdrawn from consideration for this invention under 37 CFR 1.142 have been rejoined, the restriction requirement made in the Office action mailed on 12/10/2004 is hereby withdrawn for the species requirement of Group I.

### **Examiner's Amendment**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Ron Fuller on 10/4/2005.

#### **In claim 1:**

In line 3, after the word "first", insert--entity--

In line 5, after the word "first", insert--entity--

In line 7, after the word "second", insert--entity--

In line 7, after the word "site", delete--and--

In line 8, after the word "second", insert--entity--

In line 8, after the phrase "checkout line of the second site", insert--that conducts checkout processing of the at least one product--

#### **In claim 2:**

In line 2, after the word "first", insert--entity--

In line 4, after the word "second", insert--entity--

**In claim 3:**

In line 3, after the word "second", insert--entity--

In line 4, after the word "second", insert--entity--

**In claim 4:**

In line 1, after the word "first", insert--entity--

In line 2, after the word "first", insert--entity--

In line 3, after the word "first", insert--entity--

In line 5, after the word "second", insert--entity--

**In claim 5:**

In line 1, after the word "first", insert--entity--

In line 4, after the word "second", insert--entity--

In line 5, after the word "second", insert--entity--

**In claim 6:**

In line 1, after the word "first", insert--entity--

In line 3, after the word "first", insert--entity--

**In claim 7:**

In line 2, after the word "second", insert--entity--

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**In claim 8:**

In line 1, after the word "first", insert--entity--

In line 2, after the word "second", insert--entity--

In line 3, after the word "second", insert--entity--

**In claim 9:**

In line 1, after the word "first", insert--entity--

In line 2, after the word "second", insert--entity--

In line 4, after the word "second", insert--entity--

**In claim 10:**

In line 2, after the word "second", insert--entity--

**In claim 11:**

In line 2, after the word "second", insert--entity--

**In claim 13:**

In line 1, after the word "first", insert--entity--

In line 2, after the word "second", insert--entity--

**In claim 14:**

In line 2, after the word "second", insert--entity--

In line 3, after the word "first", insert--entity--

In line 3, after the phrase "plurality of second", insert--entity--

**In claim 15:**

In line 3, after the word "first", insert--entity--

In line 3, after the phrase "plurality of second", insert--entity--

**In claim 16:**

In line 2, after the word "second", insert--entity--

**In claim 17:**

In line 3, after the word "second", insert--entity--

In line 5, after the word "second", insert--entity--

***Reasons for Allowance***

Claims 1-18 are allowable.

The following is an Examiner's statement of reasons for allowance for independent claim 1.

The instant claim teaches a method for ordering up a checkout page from a retailer (second site) that has shopping cart information from a manufacturer (first site)

automatically input into the checkout page. This causes the process of checkout to begin at the retailers site without any intermediate web pages being presented.

Independent claims 1 identifies the uniquely distinct feature as follows:

**Claim 1:**

from the first entity site, serving electronic shopping cart transfer instructions to the customer browser that causes the customer browser to request service from a checkout line of a second entity site that automatically transfers the content of the electronic shopping cart to the checkout line of the second entity site that conducts checkout processing of the at least one product.

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**US Patents and PG-PUB**

(i) US Patent 5,970,472 to Allsop et al. discloses a method for sealer fulfillment of manufacturer direct sales. Allsop et al, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(ii) US Patent 5,966,697 to Fergerson et al discloses a method utilizing a universal shopping cart to assemble an order for later processing at a checkout

processor. Ferguson, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(iii) US Patent 6,925,444 to McCollom et al discloses a method of creating and sharing purchasing lists. McCollom et al, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(iv) US Patent 6,263,317 to Sharp et al discloses a method for resolving channel conflict. Sharp et al, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(v) US Patent 2003/0093321 A1 to Bodmer et al discloses a method of integrating shopping cart for sale of third party product and services. Bodmer et al, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

### **Foreign Patent Documents**

(iii) WO 01/33453 teaches a method for sharing a shopping basket. This patent however, fails to anticipate or render the application's above-mentioned limitation(s) obvious.



### **Non-Patent Literature**

(iv) Nelson, Matthew (3COM), "3COM paves the way to resellers", September 21, 1998, teaches transferring information from a manufacturer to a retailer for the retailer to respond, Nelson, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(571) 272-6755**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(571) 272-7159**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is **(571) 272-3600**.

Any response to this action should be mailed to:

**Commissioner for Patents**

**P.O. Box 1450**

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**Alexandria, Va. 22313-1450**

or faxed to:

**(571) 273-8300** [Official communications; including

After Final communications labeled

"Box AF"]

**(571) 273-6755** [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]



Mark Fadok

Primary Examiner